

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NATHANIEL GREEN,

Plaintiff,

9:10-CV-121

-v-

MR. LAWRENCE SEARS, Superintendent,
Ogdensburg Correctional Facility; MRS. A.
CHARLEBOIS, Deputy Superintendent of Programs;
MRS. PATRICIA BURNELL, Deputy Superintendent
for Administrations; MR. LAWRENCE KANALY,
Security Captain; MR. DOTY (Sgt); MR. LAFAYE
(Sgt); MR. PATAK, (Sgt); MRS. HELGA ROSS,
Inmate Record Coordinator; MRS. SUSAN MCLEAR,
Inmate Accounts; MR. GERRY MOLNAR, Inmate
Grievance Coordinator; MRS. A. BALDWIN,
Correctional Counselor; MR. PHIL JESSMAN, Mail
Room Clerk¹; MR. BALCOM, Correction Officer;
MR. FRARY, Correction Officer; and MR. CURRIER,
Correction Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

NATHANIEL GREEN
Plaintiff pro se
09-R-2641
Wallkill Correctional Facility
Box G
Wallkill, NY 12589

HARRIS, CONWAY & DONOVAN, PLLC
Counsel for Defendant Philip Jessmer
5 Clinton Square – The Patroon Building
Albany, NY 12207

MICHAEL C. CONWAY, ESQ.

¹ Defendant Philip Jessmer was incorrectly sued as "Phil Jessman."

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Counsel for the Remaining Defendants
The Capitol
Albany, NY 12224

C. HARRIS DAGUE, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 1983. On February 19, 2013, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised, by Report-Recommendation, that defendant Philip Jessmer's motion for summary judgment, Dkt. No. 45, be granted and that the remaining defendants' motion for summary judgment, Dkt. No. 48, be granted in part and denied in part. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

Therefore it is

ORDERED that

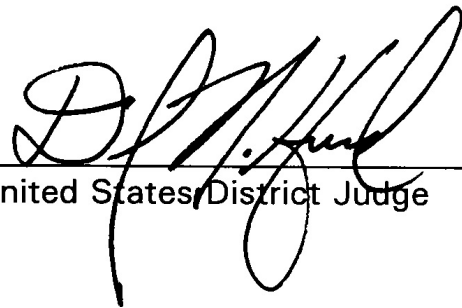
1. Defendant Jessmer's motion for summary judgment, Dkt. No. 45, is GRANTED;
2. The remaining defendants motion for summary judgment , Dkt. No. 48 is

GRANTED in part and DENIED in part, as follows:

(A) Plaintiff's claim for retaliation in connection with the denial of his request to disburse \$3,800 to his attorney Melvin Simensky as against defendants Patak and Kanaly survives; and

(B) All other claims asserted by plaintiff are DISMISSED.

IT IS SO ORDERED.



United States District Judge

Dated: March 14, 2013
Utica, New York.